

EXHIBIT A:
NOTICE PROCESS ORDER

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOHN DOES et al.,

Plaintiffs,

v.

GRETCHEN WHITMER et al.,

Defendants.

Case No. 22-cv-10209
HON. MARK A. GOLDSMITH

**[PROPOSED] ORDER FOR PROVIDING NOTICE TO
CLASS MEMBERS, PROSECUTORS, AND LAW
ENFORCEMENT**

Process for Notice to Registrants

1. Defendants shall take **Plaintiffs: all** reasonable steps, consistent with this order, to provide notice to all individuals who are required to register under Michigan's Sex Offenders Registration Act, Mich. Comp. Laws § 28.721 *et seq.* ("SORA"), including individuals with initial registrations pending review and processing by the Michigan State Police ("MSP") Sex Offender Registration ("SOR") Unit who will be registered under SORA (collectively, "registrants"). Defendants shall not be required to provide notice to individuals: (a) who are deceased; (b) who were required to register in the past, but who are no longer subject to SORA (e.g., registration term has expired, offense no longer requires registration, removed by

court order); or (c) registrants with offenses on or after July 1, 2011 who no longer live, work or attend school in Michigan. *See* Mich. Comp. Laws § 28.723 (identifying individuals required to be registered).

Notice to Non-Incarcerated Registrants

2. Defendants shall mail non-incarcerated registrants notice as follows: Defendants shall send the Registrant Notice (Exhibit 1) in English and Spanish¹ to registrants by first-class mail to the registrant's last provided address, or an address obtained by Defendants from the National Change of Address (NCOA) database or other similar sources. For registrants who do not currently reside in Michigan, Defendants shall use an address from the NCOA database or other similar sources, unless such address is not available, in which case the registrant's last provided address may be used.

Notice to Incarcerated Registrants

3. Defendants shall [Plaintiffs: take all reasonable steps, through the MDOC,] [Defendants: request MDOC] to provide notice to incarcerated registrants sentenced to the custody of the MDOC as follows:
 - a. Defendants shall provide the Michigan Department of Corrections (MDOC) with a list of registrants currently housed in an MDOC correctional facility,

¹ Plaintiffs will be responsible for translating the Registrant Notice into Spanish and Arabic. This order permits updating of website links and minor formatting adjustments to the Court-approved notices as necessary to accommodate translation and to facilitate mailing and posting.

and copies of the Registrant Notice in English, Spanish, and Arabic.

- b. During the pendency of all appeals (unless a court orders otherwise), MDOC shall provide registrants who are being released from an MDOC correctional facility a copy of the Registrant Notice in English and/or Spanish and/or Arabic.
 - c. The MDOC shall distribute the Registrant Notice via JPAY in English, Spanish and Arabic to all registrants currently housed in an MDOC correctional facility with access to JPAY. Individuals with access to JPAY will not incur any cost to receive the Registrant Notice via JPAY.
 - d. During the pendency of all appeals (unless a court orders otherwise), the MDOC shall prominently post copies of the Registrant Notice, separately in English, Spanish, and Arabic, in locations where they can be seen by registrants in each MDOC correctional facility.
4. Defendants shall take **[Plaintiffs: all]** reasonable steps to provide notice to registrants who are incarcerated in Michigan who are not in the physical custody of the MDOC as follows:
- a. For incarcerated registrants who are not in the custody of the MDOC (e.g., incarcerated in county jails, federal correctional facilities, etc.) at the time that Defendants prepare the mailing to registrants, Defendants shall mail a copy of the Registrant Notice to both (1) the address in the SOR database for the

facility where the registrant is incarcerated; and (2) the registrant's last provided residential address.

- b. Defendants shall ask each Michigan county sheriff's office and each federal correctional facility in Michigan to, during the pendency of all appeals (unless a court orders otherwise), prominently post copies of the Registrant Notice, separately in English, Spanish, and Arabic, in locations where they can be seen by registrants.

Returned Notices

5. For any notices returned as undeliverable within 90 days of mailing, but with a clearly indicated new forwarding address provided by USPS, Defendants will re-mail the notice to the new forwarding address provided. Such re-mailing shall be completed within 150 days of the deadline for initial mailings set out in ¶ 10 of this order. Notices returned more than 90 days after mailing are not required to be remailed. Defendants are not required to search any commercial database for new forwarding addresses for returned notices.

Posting of Notices in the Community

6. Defendants shall post the Registrant Notice in English, Spanish and Arabic on the MSP's website at: <https://www.michigan.gov/msp/services/sex-offender-reg>, or such other location on the MSP's website that the MSP believes will enable it to be widely accessible.

7. Defendants shall provide each law enforcement agency in Michigan designated to receive or enter sex offender registration information with a copy of the Registrant Notice in English, Spanish and Arabic, and request that each such law enforcement agency, during the pendency of all appeals (unless a court orders otherwise), prominently display copies of the notice separately in English, Spanish and Arabic in a location where they can be seen by registrants.

Process for Notice to Prosecutors

8. Defendants shall provide the Prosecutor Explanation (Exhibit 2), Registrant Notice, the Amended Final Judgment, and the Federal District Court's September 27, 2024 and March 26, 2025 opinions to the Executive Director of the Prosecuting Attorneys Coordinating Counsel and shall request that they share the provided materials with Michigan elected county prosecutors for distribution to their offices.

Process for Notice to Law Enforcement

9. Defendants shall provide the Law Enforcement Explanation (Exhibit 3) and Registrant Notice to the head of each law enforcement agency in Michigan designated to receive or enter sex offender registration information and shall request that the head of each law enforcement agency distribute these documents to all law enforcement personnel who handle SORA enforcement matters within that agency.

Timeline for Notice

10. In order that the notices can be modified, if necessary, to account for any legislative amendments to SORA or litigation developments affecting the effective date of any part of the judgment, the deadlines for notice shall run from the latest of:
 - a. The effective date of the amended final judgment under Paragraph R, which will be July 21, 2025, absent legislative action. *See* Am. Judgment, ECF 177, PageID.9391.
 - b. A decision by this Court on Defendants' Motion for a [Partial] Stay of the Judgment, ECF 173.
 - c. If any party appeals the decision on Defendants' Motion for a [Partial] Stay of the Judgment, ECF 173, within 10 days of that decision, or if any party further appeals any decision on a stay by the Sixth Circuit within ten days of that decision, then the date of the decision by the highest appellate court to consider whether a stay of the judgment should be granted.
11. Defendants shall have 50 days from the date set in ¶ 10 to:
 - a. provide notices to non-incarcerated registrants as outlined in ¶ 2,
 - b. take the steps for providing notice to incarcerated registrants as outlined in ¶ 3 and ¶ 4,
 - c. post the notices required in ¶ 6,

- d. provide law enforcement agencies in Michigan with notices for posting as required in ¶ 7, and
 - e. provide the notice to prosecutors under ¶ 8 and notice to law enforcement under ¶ 9.
12. After a final decision on Defendants' Motion for a [Partial] Stay of the Judgment, ECF 173, the parties shall meet and confer regarding whether any modifications are necessary to this notice process; what the final content should be for the notices to the class, prosecutors and law enforcement (Exhibits 1-3); and whether additional notice(s) should be provided to any subclasses and what the content of any such notices should be. The parties shall report to the Court within 14 days of the final decision on the stay motion, and shall provide their proposed final notices and, if necessary, any proposed modifications to this notice process.

Reporting to Class Counsel

13. Defendants shall update Plaintiffs' counsel regarding the status of the notices:
- a. within a reasonable time after completing the steps in ¶ 11; and
 - b. within 150 days after the mailing of notices, including information about the total number of notices that have been returned and the total number of notices that were remailed.

SO ORDERED.

Hon. Mark A. Goldsmith
U.S. District Judge

Dated: May _____, 2025

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